

Message

---

**From:** Partridge, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27DA56DA9A12472787EF56077099CF36-PARTRIDGE, CHARLES]  
**Sent:** 12/16/2019 11:29:11 PM  
**To:** Elgethun, Kai (ATSDR/DCHI/WB) [irz6@cdc.gov]; Dorian, David (ATSDR/DCHI/WB) [irs1@cdc.gov]  
**Subject:** FW: ATSDR communication -- meconium study  
**Attachments:** ATSDR Butte Document List\_elsen\_20191216.docx

---

**From:** Elsen, Henry <Elsen.Henry@epa.gov>  
**Sent:** Monday, December 16, 2019 4:08 PM  
**To:** Wall, Dan <wall.dan@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>  
**Cc:** Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Greene, Nikia <Greene.Nikia@epa.gov>; Partridge, Charles <Partridge.Charles@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Wardell, Christopher <Wardell.Christopher@epa.gov>; Barnicoat, Dana <Barnicoat.Dana@epa.gov>; Mutter, Andrew <mutter.andrew@epa.gov>; Thompson, Christopher <Thompson.Christopher@epa.gov>; Madigan, Andrea <Madigan.Andrea@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>  
**Subject:** RE: ATSDR communication -- meconium study

All:

Attached is a list of the documents described in my email below. All documents have been entered into the SEMS Superfund record system and their respective SEMS numbers are shown on the list.

My characterization of the documents below was done quickly, and should not be relied on for the effort Rich Mylott has agreed to work on.

Let me know if I can assist you further.

Henry Elsen  
Senior Assistant Regional Counsel  
CERCLA Enforcement Section  
Office of Regional Counsel  
U.S. EPA Region 8 Montana Office  
Federal Building, Suite 3200  
10 West 15<sup>th</sup> Street  
Helena, Montana 59626  
406 457-5030

---

**From:** Elsen, Henry  
**Sent:** Monday, December 16, 2019 2:27 PM  
**To:** Wall, Dan <wall.dan@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>  
**Cc:** Mutter, Andrew <mutter.andrew@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Greene, Nikia <Greene.Nikia@epa.gov>; Partridge, Charles <Partridge.Charles@epa.gov>  
**Subject:** RE: ATSDR communication -- meconium study

I will work with the records center to be sure all of the listed documents are in SEMS and send out a list of SEMS numbers.

Henry Elsen  
Senior Assistant Regional Counsel  
CERCLA Enforcement Section  
Office of Regional Counsel  
U.S. EPA Region 8 Montana Office  
Federal Building, Suite 3200  
10 West 15<sup>th</sup> Street  
Helena, Montana 59626  
406 457-5030

---

**From:** Wall, Dan <[wall.dan@epa.gov](mailto:wall.dan@epa.gov)>  
**Sent:** Monday, December 16, 2019 2:14 PM  
**To:** Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>; Spence, Sandra <[Spence.Sandra@epa.gov](mailto:Spence.Sandra@epa.gov)>  
**Cc:** Mutter, Andrew <[mutter.andrew@epa.gov](mailto:mutter.andrew@epa.gov)>; Urdiales, Aaron <[Urdiales.Aaron@epa.gov](mailto:Urdiales.Aaron@epa.gov)>; Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>; Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)>; Greene, Nikia <[Greene.Nikia@epa.gov](mailto:Greene.Nikia@epa.gov)>; Partridge, Charles <[Partridge.Charles@epa.gov](mailto:Partridge.Charles@epa.gov)>  
**Subject:** RE: ATSDR communication -- meconium study

Rich  
I agree with your concerns.

---

**From:** Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>  
**Sent:** Monday, December 16, 2019 2:02 PM  
**To:** Spence, Sandra <[Spence.Sandra@epa.gov](mailto:Spence.Sandra@epa.gov)>; Wall, Dan <[wall.dan@epa.gov](mailto:wall.dan@epa.gov)>  
**Subject:** FW: ATSDR communication -- meconium study

Sandie/Dan  
Sorry meant to include you on my earlier email to OCPI.

*Sandy*

---

Sandy Stavnes, Deputy  
Superfund and Emergency Management Division  
US EPA, Region 8  
303-312-6117

---

**From:** Mylott, Richard <[Mylott.Richard@epa.gov](mailto:Mylott.Richard@epa.gov)>  
**Sent:** Monday, December 16, 2019 1:53 PM  
**To:** Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>; Mutter, Andrew <[mutter.andrew@epa.gov](mailto:mutter.andrew@epa.gov)>; Urdiales, Aaron <[Urdiales.Aaron@epa.gov](mailto:Urdiales.Aaron@epa.gov)>  
**Cc:** Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>; Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)>; Greene, Nikia <[Greene.Nikia@epa.gov](mailto:Greene.Nikia@epa.gov)>  
**Subject:** RE: ATSDR communication -- meconium study

I can find time to begin working on this tomorrow, but I think we will need to do some serious thinking as a group about some of below as we move forward:

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

---

**From:** Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>

**Sent:** Monday, December 16, 2019 1:08 PM

**To:** Mutter, Andrew <[mutter.andrew@epa.gov](mailto:mutter.andrew@epa.gov)>; Mylott, Richard <[Mylott.Richard@epa.gov](mailto:Mylott.Richard@epa.gov)>; Urdiales, Aaron <[Urdiales.Aaron@epa.gov](mailto:Urdiales.Aaron@epa.gov)>

**Cc:** Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>; Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)>; Greene, Nikia <[Greene.Nikia@epa.gov](mailto:Greene.Nikia@epa.gov)>

**Subject:** FW: ATSDR communication -- meconium study

Andrew/Rich see Doug's request below. Is this something you could take the lead on drafting?

*Sandy*

---

Sandy Stavnes, Deputy  
Superfund and Emergency Management Division  
US EPA, Region 8  
303-312-6117

---

**From:** Sopkin, Gregory <[sopkin.gregory@epa.gov](mailto:sopkin.gregory@epa.gov)>

**Sent:** Monday, December 16, 2019 1:03 PM

**To:** Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)>

**Cc:** Sethuraman, Jag <[Sethuraman.Jag@epa.gov](mailto:Sethuraman.Jag@epa.gov)>; Thomas, Deb <[thomas.debrah@epa.gov](mailto:thomas.debrah@epa.gov)>; Madigan, Andrea <[Madigan.Andrea@epa.gov](mailto:Madigan.Andrea@epa.gov)>; Thompson, Christopher <[Thompson.Christopher@epa.gov](mailto:Thompson.Christopher@epa.gov)>; Schefski, Kenneth <[Schefski.Kenneth@epa.gov](mailto:Schefski.Kenneth@epa.gov)>; Mutter, Andrew <[mutter.andrew@epa.gov](mailto:mutter.andrew@epa.gov)>; Mylott, Richard <[Mylott.Richard@epa.gov](mailto:Mylott.Richard@epa.gov)>; Wardell, Christopher <[Wardell.Christopher@epa.gov](mailto:Wardell.Christopher@epa.gov)>; Barnicoat, Dana <[Barnicoat.Dana@epa.gov](mailto:Barnicoat.Dana@epa.gov)>; Smidinger, Betsy <[Smidinger.Betsy@epa.gov](mailto:Smidinger.Betsy@epa.gov)>; Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>; Greene, Nikia <[Greene.Nikia@epa.gov](mailto:Greene.Nikia@epa.gov)>; Urdiales, Aaron <[Urdiales.Aaron@epa.gov](mailto:Urdiales.Aaron@epa.gov)>; Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>; Spence, Sandra <[Spence.Sandra@epa.gov](mailto:Spence.Sandra@epa.gov)>; Partridge, Charles <[Partridge.Charles@epa.gov](mailto:Partridge.Charles@epa.gov)>; Wall, Dan <[wall.dan@epa.gov](mailto:wall.dan@epa.gov)>

**Subject:** Re: ATSDR communication -- meconium study

Henry: Thanks for this information. I like the BSB Health Department study idea. Also, the history of testing and results is very helpful - and my guess is most people are unaware of it. Can someone turn this information into a letter to the editor? Please let me know - thanks.

Sent from my iPhone

On Dec 16, 2019, at 12:27 PM, Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)> wrote:

Confidential  
Do Not Release

Mr. Sopkin:

# Ex. 5 Deliberative Process (DP)

Notably, we got word today that Montana Resources is willing to fund a meconium study by the Butte Silver Bow Health Department that may work as an appropriate follow-up to the recent preliminary study that concerned the Montana Standard editor and others.

We will keep you and Jag informed as we work with Ms. Spence and others on this matter.

Henry Elsen  
Senior Assistant Regional Counsel  
CERCLA Enforcement Section  
Office of Regional Counsel  
U.S. EPA Region 8 Montana Office  
Federal Building, Suite 3200  
10 West 15<sup>th</sup> Street  
Helena, Montana 59626  
406 457-5030

---

**From:** Elsen, Henry

**Sent:** Monday, December 16, 2019 12:16 PM

**To:** Smidinger, Betsy <[Smidinger.Betsy@epa.gov](mailto:Smidinger.Betsy@epa.gov)>; Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>; Greene, Nikia <[Greene.Nikia@epa.gov](mailto:Greene.Nikia@epa.gov)>

**Cc:** Jim Freeman <[james.freeman2@usdoj.gov](mailto:james.freeman2@usdoj.gov)>; Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>; Spence, Sandra <[Spence.Sandra@epa.gov](mailto:Spence.Sandra@epa.gov)>; Wall, Dan <[wall.dan@epa.gov](mailto:wall.dan@epa.gov)>; Mutter, Andrew <[mutter.andrew@epa.gov](mailto:mutter.andrew@epa.gov)>; Barnicoat, Dana <[Barnicoat.Dana@epa.gov](mailto:Barnicoat.Dana@epa.gov)>; Wardell, Christopher <[Wardell.Christopher@epa.gov](mailto:Wardell.Christopher@epa.gov)>; Urdiales, Aaron <[Urdiales.Aaron@epa.gov](mailto:Urdiales.Aaron@epa.gov)>; Madigan, Andrea <[Madigan.Andrea@epa.gov](mailto:Madigan.Andrea@epa.gov)>; Partridge, Charles <[Partridge.Charles@epa.gov](mailto:Partridge.Charles@epa.gov)>

**Subject:** RE: ATSDR communication -- meconium study

Confidential  
Do Not Release

Sandie and all:

Nikia Greene, the BPSOU (which is the town of Butte) RPM, and I are trying to collect the various ATSDR health assessments and/or responses to request for health assessments through the years in Butte, so you can see the history before we formally interact with ATSDR per the email below. Here is what we have so far:

1990 – ATSDR did an initial health consultation for Butte.

2002 – ATSDR did another health consultation for the Silver Bow and Deer Lodge county area.

July 2001 – ATSDR Health Consultation looked at blood lead levels and urinary arsenic in Butte and did not find elevated levels in Butte.

August 2001 – ATSDR Health Consultation looked at dust impacts from the active mine near Butte and did not find undue risk from the dust.

October 2007 – ATSDR Health Consultation looked at the 250 ppm arsenic actions level in Anaconda and found it to be protective. This same level is used at the BPSOU.

2012 – ATSDR funded a Montana Department of Health and Human Services detailed look at cancer rates in Butte in comparison to State and national rates, and the study found no elevated cancer rates  
March 2016 – ATSDR declined to do further health assessments or consultations in Butte because of the past activities.

June 2017 – Butte Silver Bow County reacted to a request from the *Montana Standard* editor for additional ATSDR health consultations regarding auto immune or neurological “clusters” in Butte and noted that such studies were infeasible.

August 2017 – ATSDR declined Editor McCumbers request for further ATSDR consultations based on the ongoing bio monitoring program conducted by the county and the prior studies. I am attaching that letter.

December 2019 – ATSDR responds to a meconium study from certain researchers by disagreeing with the researchers declaration of a public health emergency and noting that the levels of copper, manganese and zinc found by the researchers in the Butte samples was within the range of other studies – a view which EPA also has.

Yesterday, the Montana Standard editor again called for an ATSDR study of fetal health. We heard from Montana Resources today that it will fund a meconium study by Butte Silver Bow County in response to the recent research.

We understand the RA supports approaching ATSDR regarding some further work by them at Butte. This history should be considered as we move forward.

Henry Elsen  
Senior Assistant Regional Counsel  
CERCLA Enforcement Section  
Office of Regional Counsel  
U.S. EPA Region 8 Montana Office  
Federal Building, Suite 3200  
10 West 15<sup>th</sup> Street  
Helena, Montana 59626  
406 457-5030

---

**From:** Smidinger, Betsy <[Smidinger.Betsy@epa.gov](mailto:Smidinger.Betsy@epa.gov)>

**Sent:** Friday, December 13, 2019 4:36 PM

**To:** Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)>; Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>; Greene, Nikia <[Greene.Nikia@epa.gov](mailto:Greene.Nikia@epa.gov)>

**Cc:** Jim Freeman <[james.freeman2@usdoj.gov](mailto:james.freeman2@usdoj.gov)>; Huynh-Linenberg, Jacquie <[huynh-linenberg.jacquie@epa.gov](mailto:huynh-linenberg.jacquie@epa.gov)>; Stavnes, Sandra <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>; Spence, Sandra <[Spence.Sandra@epa.gov](mailto:Spence.Sandra@epa.gov)>; Wall, Dan <[wall.dan@epa.gov](mailto:wall.dan@epa.gov)>

**Subject:** RE: ATSDR communication -- meconium study

## Ex. 5 Deliberative Process (DP)

Depending on David’s response, Greg may want to contact Kai.

Thanks

Betsy

---

**From:** Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)>  
**Sent:** Friday, December 13, 2019 2:50 PM  
**To:** Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>; Greene, Nikia <[Greene.Nikia@epa.gov](mailto:Greene.Nikia@epa.gov)>  
**Cc:** Jim Freeman <[james.freeman2@usdoj.gov](mailto:james.freeman2@usdoj.gov)>; Huynh-Linenberg, Jacquie <[huynh-linenberg.jacquie@epa.gov](mailto:huynh-linenberg.jacquie@epa.gov)>; Smidinger, Betsy <[Smidinger.Betsy@epa.gov](mailto:Smidinger.Betsy@epa.gov)>  
**Subject:** FW: ATSDR communication -- meconium study

Confidential  
Do Not Release

Joe and Nikia:

You may have seen the ATSDR meconium study statement already, but in case you haven't, here it is. It is consistent with the EPA position on this matter.

## Ex. 5 Deliberative Process (DP)

Henry Elsen  
Senior Assistant Regional Counsel  
CERCLA Enforcement Section  
Office of Regional Counsel  
U.S. EPA Region 8 Montana Office  
Federal Building, Suite 3200  
10 West 15<sup>th</sup> Street  
Helena, Montana 59626  
406 457-5030

---

**From:** Mutter, Andrew <[mutter.andrew@epa.gov](mailto:mutter.andrew@epa.gov)>  
**Sent:** Friday, December 13, 2019 2:24 PM  
**To:** Smidinger, Betsy <[Smidinger.Betsy@epa.gov](mailto:Smidinger.Betsy@epa.gov)>; Sopkin, Gregory <[sopkin.gregory@epa.gov](mailto:sopkin.gregory@epa.gov)>;  
Sethuraman, Jag <[Sethuraman.Jag@epa.gov](mailto:Sethuraman.Jag@epa.gov)>; Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)>; Thomas, Deb  
<[thomas.debrah@epa.gov](mailto:thomas.debrah@epa.gov)>; Urdiales, Aaron <[Urdiales.Aaron@epa.gov](mailto:Urdiales.Aaron@epa.gov)>  
**Subject:** ATSDR communication -- meconium study

Greg – as requested.

Best regards,

Andrew

**Andrew Mutter**

Director, Public Affairs  
U.S. Environmental Protection Agency, Region 8 (Denver, CO)

Office: 303.312.6448  
Cell: 720.520.3047

Twitter: [@EPARegion8](#)

Facebook: [U.S. EPA Region 8](#)

Webpage: EPA Region 8 (Mountains and Plains)

<Dr. Breyse's response to McCumber\_August 2017.pdf>